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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,846	12/27/2000	Mina L. McKay	YOR920000563US1/I27-0002	4804

7590   02/27/2006

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EXAMINER
MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/749,846	MCKAY ET AL.
	Examiner	Art Unit
	Susanna M. Diaz	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-30,33-37,39-43,46-70,73-75 and 77-82* is/are pending in the application.

    4a) Of the above claim(s) *2,3,16-24,26-30,33-35,42,43,56-64,66-70 and 73-75* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-15,25,36,37,39-41,46-55,65 and 77-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This final Office action is responsive to Applicant's amendment filed January 6,

2006.

Claims 1, 25, 36, 41, and 65 have been amended.

Claims 2, 3, 16-24, 26-30, 33-35, 42, 43, 56-64, 66-70, and 73-75 stand as

withdrawn.

Claims 1, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 are presented for

examination.

2.   The previous rejections under 35 U.S.C. § 112, 2nd paragraph are withdrawn in

response to Applicant's claim amendments.

Response to Arguments

3.   Applicant's arguments filed January 6, 2006 have been fully considered but they

are not persuasive.

Applicant argues that McFarland does not disclose that "the operator enters the

information about the operator" (page 19 of Applicant's response); however, the claims

recite "entering requester information into said schedule form." First, "requester

information" may merely refer to information entered by the requester and not

necessarily information "about the operator" *per se*. Second, even if the claims were

amended to specify that the requester information is information "about the operator,"

this difference would only be found in the non-functional descriptive material and would

not be functionally involved in the steps recited nor would it alter the recited structural

elements; therefore, such a difference would not effectively serve to patentably

distinguish the claimed invention over the prior art. The recited method steps would be

performed the same regardless of the specific data. Further, the structural elements

remain the same regardless of the specific data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re*

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32

F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

Applicant argues that "McFarland also fails to teach or suggest the elements

'assigning an access level to a requester...with respect to at least one database', and

'transmitting said data to said user system based upon the access level.'" (Page 19 of

Applicant's response) These features were just recently amended into the claims and

will be addressed in the revised art rejection below.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 are rejected under 35

U.S.C. 103(a) as being unpatentable over McFarland (U.S. Patent No. 6,154,753) in

view of Bons et al. ("A Formal Specification of Automated Auditing of Trustworthy Trade

Procedures for Open Electronic Commerce").

McFarland discloses a method for facilitating supplier auditing functions in a

communications network environment, comprising:

[Claim 1]   receiving a request from a user system of an enterprise system to initiate

an activity, said activity including scheduling an audit for performing an initial or ongoing

qualification of a supplier enterprise (Figs. 1, 62, 65; col. 24, lines 20-30; col. 25, lines

33-34; col. 26, lines 5-15; col. 28, lines 28-30);

said enterprise system retrieving data from at least one database, said data

corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28,

line 46); and

transmitting said data to said user system (Figs. 1, 7, 61-72; col. 23, line 65

through col. 28, line 46);

wherein said scheduling said audit includes:

entering supplier data into a schedule form (Figs. 62-66; col. 24, lines 25-30; col.

26, lines 16-30);

entering requester information into said schedule form (Figs. 62-66; col. 24, lines

25-30; col. 26, lines 16-30);

selecting an auditor to perform said audit (Figs. 62-67; col. 24, lines 25-30; col.

25, lines 4-34; col. 26, lines 16-30);

entering a purpose for said audit (Figs. 62-66; col. 24, lines 25-30);

entering a time frame for performing said audit (col. 24, lines 25-30 -- An audit

date is input); and

distributing a completed schedule form to at least one entity (Figs. 62-66; col. 24,

lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30); and

wherein further said enterprise system includes a quality information network

application for executing activity options that include the activity requested by the user

system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

[Claim 6]   wherein said distributing said completed schedule form is automatically

performed by said quality information network application via a distribution list (col. 25,

lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to

complete an audit, it is understood that they are part of an approved distribution list for

certain audits, based on input from a requester. The distribution can be said to be

performed automatically in the sense that all communications are conducted

electronically while the distribution can also be viewed as performed manually in the

sense that the requester selects an auditor from the list of eligible auditors);

[Claim 7]   wherein said distributing said completed schedule form is manually

performed by said requester via a distribution list provided by said requester (col. 25,

lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to

complete an audit, it is understood that they are part of an approved distribution list for

certain audits, based on input from a requester. The distribution can be said to be

performed automatically in the sense that all communications are conducted

electronically while the distribution can also be viewed as performed manually in the

sense that the requester selects an auditor from the list of eligible auditors);

[Claim 9]   wherein said selecting said auditor by said requester includes selection

criteria including:

> geographic location of site to be audited (col. 25, lines 4-34);
>
> auditing skills possessed by said auditor (col. 25, lines 4-34);
>
> a commodity subject to said audit (col. 25, lines 4-34); and
>
> auditor pre-qualification data (col. 25, lines 4-34);

[Claim 13]   wherein said activity includes viewing a scheduled audit (col. 28, lines 28-37).

Regarding claim 1, McFarland does not expressly teach that the audit is being requested for an initial or ongoing qualification of an existing or prospective trading partner of the enterprise. However, Bons discusses the importance of establishing trust between trading parties (abstract), especially between new trade partners. Section 1 of Bons (pages 1-2) explains that "[m]odern businesses are confronted with an increasing need to deliver customer-specific products and services at a competitive level of costs. This poses high requirements on the company's ability to organise its contracts with both suppliers and customers in a flexible, efficient, and effective way." Electronic tools provide businesses with trading partners throughout the globe. Bons describes a way to facilitate a speedy establishment of mutual trust through use of electronic agents to automatically check the trustworthiness of new trading partners (abstract). McFarland too is directed toward facilitating quick and efficient auditing of a business; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt McFarland to perform audits that are being

requested for an initial or ongoing qualification of an existing or prospective trading

partner of the enterprise in order to place McFarland's business users in a more

advantageous global position when it comes to establishing trusted relationships among

various trading partners (e.g., wherein the supplier data is related to the trading

partner), thereby allowing these businesses to more successfully compete in a global

environment.

As per claim 1, neither McFarland nor Bons expressly teaches that their system

is integrated via a web site maintained by an enterprise system that authenticates a

user's ID and password via a firewall or that her communications network environment

includes an extranet. However, McFarland does allow for audits to be performed by

external third party auditors (Fig. 7; col. 24, lines 20-29). Furthermore, Official Notice is

taken that it is old and well-known in the art of inter-enterprise communications to utilize

a web site (such as an Internet-based web site) maintained by an enterprise system that

authenticates a user's ID and password via a firewall and a communications network

environment that includes an extranet in order to promote secure communications

among users from different organizations. Additionally, it is old and well-known in the

art to assign system and database access levels based on one's identification. For

example, upper-level management might have access to all of a company's data while

contractors might have limited access to only the company data that is needed for a

particular project assigned to each respective contractor. This protects the security of

important data by controlling access to certain types of sensitive data on a need-to-

know basis. Since McFarland allows for audits to be performed by external third party

auditors, the Examiner asserts that it would have been obvious to one of ordinary skill in

the art at the time of Applicant's invention to modify the McFarland-Bons combination to

incorporate a web site (such as an Internet-based web site) maintained by an enterprise

system that authenticates a user's ID and password via a firewall and a communications

network environment that includes an extranet and assigns a system and database

access level to each user in order to promote secure communications among users

from different organizations (including external third party auditors), especially where

confidential documents and other secure company data are concerned.

[Claim 8]   As per claim 8, McFarland teaches that said requester is a divisional user

(col. 26, lines 23-25), yet neither McFarland nor Bons expressly teaches that the

divisional user comprises at least one of an engineer and developer of the enterprise

system, the divisional user requesting an audit of a trading partner that corresponds

with an engineering or developer group to which the divisional user belongs. However,

Official Notice is taken that it is old and well-known in the art to audit a corresponding

engineering or developer group of a trading partner. This helps a company decide, on a

departmental level, which trading partners are best suited to the company's specific

departmental level needs. McFarland performs audits at a departmental level;

therefore, the Examiner submits that it would have been obvious to one of ordinary skill

in the art at the time of Applicant's invention to adapt the McFarland-Bons combination

to allow for participation of a divisional user comprising at least one of an engineer and

developer of the enterprise system, the divisional user requesting an audit of a trading

partner that corresponds with an engineering or developer group to which the divisional

user belongs in order to help a company decide, on a departmental level, which trading

partners are best suited to the company's specific departmental level needs.

[Claims 10, 11]   McFarland must notify an auditor to complete a scheduled audit in

order to achieve actual completion of an audit (col. 26, lines 5-15). Since McFarland's

communications are performed electronically, such a notification can be said to be

automatic (as per claim 10). However, McFarland does not expressly teach that the

auditor can confirm or reject the notice to perform an audit. Official Notice is taken that

it is old and well-known in the art of project management to allow a user to accept or

reject a task. Furthermore, Official Notice is taken that it is old and well-known in the art

of project management to select a back-up person to perform a task when a first person

cannot perform it. This allows for efficient task allocation and timely task completion

when a first person is not available to complete an assigned task (e.g., due to vacation,

illness, etc.). Therefore, the Examiner asserts that it would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to modify McFarland to

perform the steps of receiving a response to the notice from said auditor by said

requester, wherein said response is either a confirmation notice or a rejection notice (as

per claim 10), wherein said requester initiates a second auditor selection, based upon

receiving said rejection notice (as per claim 11) in order to facilitate efficient task

allocation and timely task completion when a first person is not available to complete an

assigned task (e.g., due to vacation, illness, etc.).

[Claim 12]   While McFarland teaches that a date planned for an audit may be entered

(col. 24, lines 24-26; col. 26, lines 5-15), neither McFarland nor Bons expressly teaches

that a quarter planned for said audit may be entered. However, Official Notice is taken

that it is old and well-known in the art to schedule audits at a given frequency in order to

promote consistent monitoring of the quality of an organization. Therefore, the

Examiner asserts that it would have been obvious to one of ordinary skill in the art at the

time of Applicant's invention to modify the McFarland-Bons combination to allow a user

to enter a quarter planned for said audit in order to promote consistent monitoring of the

quality of an organization of a quarterly basis.

[Claims 14, 15]   While McFarland teach that one may view said scheduled audit by

categories, said categories including completed audits (col. 28, lines 28-37) and

planned audits (col. 28, lines 28-37), neither McFarland nor Bons expressly provides a

view for all audits (claim 14) or by trading partner, region, quarter by region by

commodity, year by quarter, product category, requester, auditor, organization, or site

owner (claim 15). However, Official Notice is taken that it is old and well-known in the

art to filter information for display based on user-specified filter conditions. The filter

conditions recited in claims 14 and 15 are merely analogous to well-known filtering

conventions utilized to enable a user to more quickly and easily assess a limited subset

of data of interest to him/her. Therefore, the Examiner asserts that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to modify

the McFarland-Bons combination to allow a user to specify various viewing conventions

for audits, including a view for all audits (claim 14) or by trading partner, region, quarter

by region by commodity, year by quarter, product category, requester, auditor,

organization, or site owner (claim 15) in order to provide the user with a convenient

manner of more quickly and easily assessing a limited subset of data of interest to

him/her.

[Claims 41, 46-55]   Claims 41 and 46-55 recite limitations already addressed by the

rejection of claims 1 and 6-15 above; therefore, the same rejection applies.

McFarland discloses a method for facilitating supplier auditing functions in a

communications network environment, comprising:

[Claim 25]   receiving a request from a first enterprise system to contact a second

enterprise system, the first enterprise system including a supplier of the second

enterprise system (Figs. 1, 62, 65; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines

5-15; col. 28, lines 28-30);

said activity including viewing results of

an audit performed by the second enterprise system (Figs. 1, 7, 61-72; col. 23, line 65

through col. 28, line 46);

said second enterprise system retrieving data from at least one database, said

data corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through

col. 28, line 46); and

transmitting said data to said first enterprise system (Figs. 1, 7, 61-72; col. 23,

line 65 through col. 28, line 46);

wherein said second enterprise system includes a quality information network

application for executing activity options including the activity requested by the first

enterprise system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46).

As per claim 25, neither McFarland nor Bons expressly teaches that their system

is integrated via a web site maintained by an enterprise system that authenticates a

user's ID and password via a firewall or that her communications network environment

includes an extranet. However, McFarland does allow for audits to be performed by

external third party auditors (Fig. 7; col. 24, lines 20-29). Furthermore, Official Notice is

taken that it is old and well-known in the art of inter-enterprise communications to utilize

a web site (such as an Internet-based web site) maintained by an enterprise system that

authenticates a user's ID and password via a firewall and a communications network

environment that includes an extranet in order to promote secure communications

among users from different organizations. Additionally, it is old and well-known in the

art to assign system and database access levels based on one's identification. For

example, upper-level management might have access to all of a company's data while

contractors might have limited access to only the company data that is needed for a

particular project assigned to each respective contractor. This protects the security of

important data by controlling access to certain types of sensitive data on a need-to-

know basis. Since McFarland allows for audits to be performed by external third party

auditors, the Examiner asserts that it would have been obvious to one of ordinary skill in

the art at the time of Applicant's invention to modify the McFarland-Bons combination to

incorporate a web site (such as an Internet-based web site) maintained by an enterprise

system that authenticates a user's ID and password via a firewall and a communications

network environment that includes an extranet and assigns a system and database

access level to each user in order to promote secure communications among users

from different organizations (including external third party auditors), especially where

confidential documents and other secure company data are concerned.

[Claims 36, 37, 39, 40, 77-82]   Claims 36, 37, 39, 40, and 77-82 recite limitations

already addressed by the rejection of claims 6-10 and 25 above; therefore, the same

rejection applies.

Furthermore, it should be noted that the McFarland-Bons combination addressed

in the rejection of claim 25 above would necessarily incorporate a host system including

a workstation, a web server, an applications server, and a database server, a data

storage device in communication with said host system, quality information network

software application being executed by said host system, a firewall in communication

with said host system, a workstation, and a computer network connecting the host

system to the workstation, wherein information inputted into the workstation is

transferred to the host system and made available to the quality information network

software application (as per claim 36). The rejection of claim 25 addresses the

obviousness of incorporating with the McFarland-Bons combination an enterprise

system that authenticates a user's ID and password via a firewall and a communications

network environment that includes an extranet. An extranet implies that inter-enterprise

communications are facilitated.

McFarland discloses:

[Claim 37]   wherein said data storage device includes:

a reference database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

an audit schedule database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28,

line 46);

an audit reports database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line

46);

an executive summary database (Figs. 1, 7, 61-72; col. 23, line 65 through col.

28, line 46); and

a supplier quality performance database (Figs. 1, 7, 61-72; col. 23, line 65

through col. 28, line 46).

McFarland does not expressly teach that the supplier quality performance

database relates to the trading partner; however, the implication that the stored data is

trading partner data amounts to nothing more than non-functional descriptive material.

Therefore, the differences between this limitation and McFarland are only found in the

non-functional descriptive material and are not functionally involved in the steps recited

nor do they alter the recited structural elements. The recited method steps would be

performed the same regardless of the specific data. Further, the structural elements

remain the same regardless of the specific data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re*

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32

F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Nevertheless, as

discussed in the rejection of claim 1 above, the McFarland-Bons combination addresses

the auditing of trading partners; therefore, the Examiner submits that the McFarland-

Bons combination would necessarily incorporate a supplier quality performance

database relating to the trading partner in order to facilitate the automated audit of the

trading partner.

[Claim 65]   Claim 65 recites limitations already addressed by the rejection of claim 25

above; therefore, the same rejection applies.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3623

February 18, 2006